

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Ivins *et al.*

Application No. 10/533,634

Filed: April 29, 2005

Confirmation No. 5041

For: METHOD OF PREVENTING
INFECTIONS FROM BIOTERRORISM
AGENTS WITH
IMMUNOSTIMULATORY CPG
OLIGONUCLEOTIDES

FILED VIA EFS ON
October 31, 2008

Examiner: Emily M. Le

Art Unit: 1648

Attorney Reference No. 4239-67021-06

FILED VIA THE ELECTRONIC FILING SYSTEM
COMMISSIONER FOR PATENTS

AMENDMENT AND RESPONSE TO NON-FINAL OFFICE ACTION

This Amendment and Response to Non-Final Office Action is submitted in response to the Office action dated July 31, 2008. A three-month period for response was set making a reply due on or before **October 31, 2008**. It is believed no fees are due in connection with this response. If it is determined that fees are due, the Commissioner is hereby authorized to deduct any such fees from Deposit Account 02-4550.

Amendments to the Claims are reflected in the listing of claims, which begins on page 2.

Remarks begin on page 7.

Also provided herewith is a Declaration under 37 C.F.R. §1.132 by Dr. Klinman, Dr. Klinman's *curriculum vitae* and copies of the following references:

Su *et al.* (*Infect. Immun.* 71(9):5178-5187, 2003)

Threadgill *et al.* (*Vaccine* 16(1):76-82, 1998)

Klinman *et al.* (*Vaccine* 22:2881-2886, 2004)

Little *et al.* (*Vaccine* 25:2771-2777, 2007)